



PATENT APPLICATION

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Yusho NAKAMOTO et al.

Group Art Unit: 1654

Application No.: 10/099,962

Examiner: Christopher Tate

Filed: March 19, 2002

Docket No.: 112329

For: A METHOD FOR THE PRODUCTION OF TANNIN AND ITS USE

RESPONSE TO RESTRICTION AND ELECTION OF SPECIES REQUIREMENTS

Director of the U.S. Patent and Trademark Office
Washington, D.C. 20231

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Sir:

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In reply to the June 3, 2003 Restriction Requirement, Applicants provisionally elect Group I, claims 1-5, drawn to a method of extracting tannin from numerous types of plant sources, classified in class 424, subclass 725, with traverse.


In response to the Election of Species Requirement, Applicants provisionally elect Species pine. At least claims 1-5 read on the elected species. At least claim 1 is generic to all species. However, Applicants respectfully submit that an election of species requirement within a particular claim (claim 4) is erroneous. Accordingly, this provisional election is made with traverse.

It is also respectfully submitted that the subject matter of all claims 1-13 is sufficiently related that a thorough search for the subject matter of any one group of claims or species would encompass a search for the subject matter of the remaining claims or species. Thus, it is respectfully submitted that the search and examination of the entire application could be made without serious burden. See MPEP §803 in which it is stated that "if the search and examination of an entire application can be made without serious burden, the

examiner must examine it on the merits, even though it includes claims to independent or distinct inventions" (emphasis added). It is respectfully submitted that this policy should apply in the present application in order to avoid unnecessary delay and expense to Applicants and duplicative examination by the Patent Office.

Thus, withdrawal of the Restriction and Election of Species Requirements is respectfully requested.

Respectfully submitted,


James A. Oliff
Registration No. 27,075

Kevin M. McKinley
Registration No. 43,794

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Date: July 3, 2003

OLIFF & BERRIDGE, PLC
P.O. Box 19928
Alexandria, Virginia 22320
Telephone: (703) 836-6400

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